

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Timothy Watson,)	
Complainant,)	
)	
vs.)	Case No: EC-2014-0133
)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
Respondent.)	

SECOND MOTION TO DISMISS

COMES NOW, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and for its Second Motion to Dismiss the Complaint filed in this proceeding states as follows:

1. On November 8, 2013, Mr. Timothy Watson, with a residence address of 2823 Osage St., St. Louis, Missouri and a service address of 2923 California, St. Louis, Missouri (Complainant), initiated this proceeding against Company.
2. On December 10, 2013 the Company filed its Answer and Motion to Dismiss, asking, in part, for the Commission to dismiss the Complaint as moot, because the Company has already provided the relief he requested in his Complaint. In particular, the Company reconnected electric utility service at 2923 California in a new account in Complainant’s name, #*****_***** (the “New Account”).
3. Although Complainant agreed to dismiss his Complaint after he received his first month’s bill on the New Account and could verify that the disputed balance was not transferred to his New Account, Complainant did not do so.
4. On December 10, 2013, the Commission ordered Complainant to respond, by December 22, 2013, to the Company’s motion to dismiss and inform the Commission whether his Complaint had been satisfied (the “Order”). More than a month has elapsed since the date the response was due and the Complainant has not complied with the Commission’s Order. Counsel for the Company has also left a voicemail message for Complainant asking him to file a dismissal, as originally agreed, but Complainant has not responded to the message or filed a dismissal.

5. In support of the Company's position that the Complaint is moot, attached hereto as Exhibits A and B are copies of the December 2013 bill and January 2014 final bill for the New Account, showing that the disputed balance has not been transferred to the New Account, and that in fact the New Account has been closed (because service at the address has been transferred to an account in a tenant's name). 4 CSR 240-2.116(4) provides that, "[a] case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved." If a tribunal cannot grant effectual relief due to an intervening event, the case is moot and generally should be dismissed. *State ex rel. Reed v. Reardon*, 41 S.W.3d 470, 473 (Mo. banc 2001); *Armstrong v. Elmore*, 990 S.W.2d 62, 64 (Mo. App., W.D. 1999). Because the Complaint is moot, good cause exists for the Commission to dismiss the Complaint.

6. In addition, the Commission may dismiss, "for failure to comply with any order issued by the commission[.]" 4 CSR 240-2.116. More than a month has elapsed since the date Complainant was ordered to respond to the Company's first motion to dismiss, yet Complainant has failed to comply.

WHEREFORE, Ameren Missouri respectfully requests that the Commission enter an order dismissing the Complaint for good cause, or in the alternative, dismissing the Complaint for Complainant's failure to comply with the Commission's Order.

/s/ Sarah E. Giboney

Sarah E. Giboney, #50299
111 South Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65205-0918
(573) 443-3141
(573) 442-6686 (Facsimile)
giboney@smithlewis.com

By: /s/ Wendy K. Tatro

Wendy K. Tatro, # 60261
Corporate Counsel
Ameren Services Company
P.O. Box 66149
St. Louis, MO 63166-6149
(314) 554-3484 (phone)
(314) 554-4014 (fax)
AmerenMOService@ameren.com
Attorneys for Ameren Missouri

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Second Motion to Dismiss was served on the following parties via electronic mail on this 28th day of January, 2014.

Nathan Williams, Deputy Staff Counsel
Akayla Jones, Associate Staff Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
nathan.williams@psc.mo.gov
akayla.jones@psc.mo.gov

Lewis Mills
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Mr. Timothy Watson
2823 Osage St.
St. Louis, MO 63118
dsldelivery@yahoo.com

/s/ Sarah E. Giboney
Sarah E. Giboney

**EXHIBITS A AND B
ARE HIGHLY CONFIDENTIAL
IN THEIR ENTIRETY**